

**EXHIBIT A**

BEFORE THE JUDICIAL PANEL  
ON MULTIDISTRICT LITIGATION

IN RE: Medtronic Inc., Sprint Fidelis Leads  
PRODUCTS LIABILITY LITIGATION

MDL DOCKET NO: 1905

**RESPONSE TO MOTION TO TRANSFER AND CONSOLIDATE  
PURSUANT TO 28 U.S.C. Sec. 1407**

Donald S. Edgar  
Jeremy R. Fietz  
EDGAR LAW FIRM  
408 College Avenue  
Santa Rosa, CA 95401  
Telephone: 707-545-3200  
Facsimile: 707-578-3040

Counsel for Plaintiff, Jeneane Baque v. Medtronic Inc., Case No. C07-05352, U.S.D.C.,  
Northern District of California, San Francisco Division

Now into Court, through undersigned counsel, comes the plaintiff in the case entitled  
Jeneane Baque v. Medtronic Inc., Case No. C07-05352, U.S.D.C., Northern District of  
California, San Francisco Division who, through undersigned counsel, moves the Judicial  
Panel on Multidistrict Litigation (the "Panel") for an Order pursuant to 28 U.S.C. Sec. 1407,  
to transfer and consolidate the cases filed before this court concerning consumer claims

and personal injury claims stemming from the design, marketing, manufacture and sale of defective defibrillator lead wires known as Sprint Fidelis.

Plaintiffs pray that the Panel transfer and consolidate the cases referenced actions to a single district for coordinated and/or consolidated pre-trial proceedings.

1.

Movant is a consumer who sustained economic damages and/or personal injuries as a direct result of the defective Sprint Fidelis leads having been implanted in her chest, and later explanted on an emergent basis as a result of the defect known to have caused the nationwide recall of these devices.

2.

The transfer and consolidation of these suits is appropriate before the judge to which this case has been assigned, Judge William Alsup in the Northern District of California, San Francisco Division. The Northern District of California currently successfully houses the Celebrex/Bextra MDL litigation before Judge Breyer. The Northern District Court is automated with the ECF system and there are no administrative or logistical reasons why the Court is not fully capable of handling the within MDL.

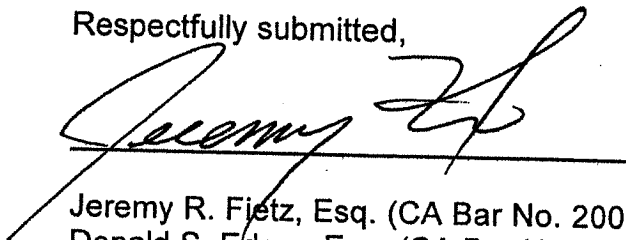
3.

Additionally, the undersigned counsel for plaintiff in this matter support the urging of Daniel Becnel, Counsel for Plaintiff, David Wood, C.A. 07-1971; U.S.D.C., District of Puerto Rico, who has proposed to this panel that this MDL matter be transferred to Judge Susan Illston in the Northern District of California. Both Judge Alsup and Judge Illston are highly respected jurists, known for their hard work, diligence, and their ability to manage complex cases.

4.

Finally, the undersigned respectfully requests time for oral argument during the hearing on this matter.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Jeremy Fietz", is written over a horizontal line.

Jeremy R. Fietz, Esq. (CA Bar No. 200396)  
Donald S. Edgar, Esq. (CA Bar No. 139324)  
EDGAR LAW FIRM  
408 College Avenue  
Santa Rosa, CA 95401  
Telephone (707) 545-3200  
Facsimile (707) 578-3040

Counsel for Plaintiff, Jeneane Baque v.  
Medtronic Inc., Case No. C07-05352,  
U.S.D.C., Northern District of California, San  
Francisco Division

PROOF OF SERVICE

In Re.: Medtronic, Inc., Sprint Fidelis Leads Product Liability Litigation  
MDL 1905

The undersigned hereby attests and declares as follows: I am employed in the City and County of Santa Rosa, State of California. I am over the age of 18 and not a party to the within action. My business address is 408 College Avenue, Santa Rosa, California 95401. I served the foregoing document(s) described as:

**RESPONSE TO MOTION TO TRANSFER AND CONSOLIDATE  
PURSUANT TO 28 U.S.C. Sec. 1407**

Service of one complete copy of the within document was served by prepaid US Mail upon each of the firms on the attached: In Re.: Medtronic, Inc., Sprint Fidelis Leads Product Liability Litigation MDL 1905 Panel Attorney Service List.

I declare under penalty of perjury under the laws of the state of California, and United States of America that the above is true and correct and was executed on December 4, 2007



JEREMY R. FIETZ

Donald S. Edgar  
Jeremy R. Fietz  
EDGAR LAW FIRM  
408 College Avenue  
Santa Rosa, CA 95401  
Telephone: 707-545-3200  
Facsimile: 707-578-3040

In Re.: Medtronic, Inc., Sprint Fidelis Leads Product Liability Litigation  
MDL 1905

Panel Attorney Service List

Daniel E. Becnel, Jr., Esq.  
BECNEL LAW FIRM LLC  
106 W. Seventh Street  
PO Drawer H  
Reserve, LA 70084

Daniel E. Gustafson, Esq.  
GUSTAFSON GLUEK PLLC  
608 Second Avenue South  
725 Northstar East  
Minneapolis, MN 55402

Richard A. Lockridge, Esq.  
LOCKRIDGE GRINDAL NAUEN PLLP  
100 Washington Avenue South  
Suite 2200  
Minneapolis, MN 55401-2179

John F. Nevares  
JOHN F. NEVARES & ASSOCIATES PSC  
VIG Building, Suite 1504  
1225 Ponce de Leon Avenue  
San Juan, PR 00908-3667

Jose F. Quetglas, Esq.  
QUETGLAS LAW OFFICE  
PO Box 16606  
San Juan, PR 00908-6606

Silvija A. Strikis, Esq.  
KELLOGG HUBER HANSEN TODD EVANS & FIGEL PLLC  
1615 M Street, N.W.  
Suite 400  
Washington, DC 20036-3209

Herbert L. Zarov, Esq.  
MAYER BROWN LLP  
71 South Wacker Drive  
Chicago, IL 60606

**EXHIBIT B**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO.: 07-22764-CIV-HUCK/SIMONTON**

JOHN NORTH, individually and on behalf  
of all others similarly situated,

Plaintiff,

vs.

MEDTRONIC, INC.,  
MEDTRONIC PUERTO RICO, INC.,  
and MEDTRONIC PUERTO RICO  
OPERATIONS CO.,

Defendants.

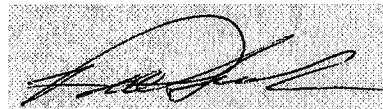
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**ORDER GRANTING MOTION TO STAY**

THIS CAUSE is before the Court upon Defendant Medtronic, Inc.'s Motion to Stay All Proceedings Until After a Decision by the Joint Panel on Multidistrict Litigation on Pending Motion for Transfer, filed November 9, 2007 [D.E. #5]. For the reasons stated in open court at the December 6, 2007 hearing, it is hereby

ORDERED AND ADJUDGED that the Motion is GRANTED.

DONE and ORDERED in Chambers at Miami, Florida this December 6, 2007.



Paul C. Huck  
United States District Judge

**Copies furnished to:**  
All Counsel of Record



**EXHIBIT C**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

Case No. 07-22768-CIV-UNGARO

EUGENE CLASBY, individually and on behalf  
of all others similarly situated,  
Plaintiff,

vs.

MEDTRONIC, INC., MEDTRONIC PUERTO RICO,  
INC., and MEDTRONIC PUERTO RICO  
OPERATIONS CO.,  
Defendants.

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**ORDER STAYING PROCEEDINGS**

THIS CAUSE came before the Court upon Defendant Medtronic Inc.'s Motion to Stay Proceedings and Continue the Court's Order Setting Initial Planning and Scheduling Conference as Well as All Other Deadlines Pending in this Action Until After A Decision By the Joint Panel on Multidistrict Litigation on Pending Motions for Transfer, filed November 9, 2007. (D.E. 7.) Plaintiff filed a Response on November 30, 2007. (D.E. 17.)

THE COURT has considered the Motion and the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that the Motion to Stay is GRANTED. Within 30 days, the parties shall file a notice to the Court, informing the Court on the status of the pending motions to transfer.

DONE AND ORDERED in Chambers at Miami, Florida, this 7th day of December, 2007.

  
\_\_\_\_\_  
URSULA UNGARO  
UNITED STATES DISTRICT JUDGE

copies provided:  
Counsel of Record



**EXHIBIT D**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 07-81056-CIV-MARRA/JOHNSON

DOUG VENNING, on behalf of himself  
and all others similarly situated,

Plaintiff,

vs.

MEDTRONIC, INC., MEDTRONIC PUERTO  
RICO, INC., and MEDTRONIC PUERTO RICO  
OPERATIONS CO.,

Defendants.

---

**ORDER**

This cause is before the Court upon Defendants' Unopposed Motion to Stay All Proceedings Until After a Decision by the Judicial Panel on Multidistrict Litigation on Pending Motions for Transfer [DE 9], filed December 7, 2007. The Court has carefully examined the notice and is otherwise fully advised in the premises.

Defendants inform the Court that several plaintiffs, including the Plaintiff in this case, have filed papers with the Judicial Panel on Multidistrict Litigation seeking transfer of all of the Sprint Fidelis cases to a single district court for consolidated or coordinated treatment. (Def. Mot. 2-3.)

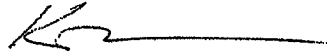
Accordingly, it is hereby **ORDERED AND ADJUDGED** as follows:

- 1) Defendants' Unopposed Motion to Stay All Proceedings Until After a Decision by the Judicial Panel on Multidistrict Litigation on Pending Motions for Transfer

[DE 9] is **GRANTED**.

- 2) The clerk shall **ADMINISTRATIVELY CLOSE** this case. Should this case not be transferred to a Multidistrict Litigation Panel, either party may petition this Court to re-open the case.
- 2) All pending motions are **DENIED AS MOOT WITHOUT PREJUDICE**.

**DONE AND ORDERED** in Chambers at West Palm Beach, Palm Beach County,  
Florida, this 10<sup>th</sup> day of December 2007.

  
\_\_\_\_\_  
KENNETH A. MARRA  
United States District Judge

Copies to:

All counsel of record

**EXHIBIT E**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

HARVEY LEE CONWAY, JR., JOHN PAUL  
MILLER, and CHARLES PETERSON, JR. on  
behalf of themselves and all others similarly  
situated,

Case No.: 0:07-cv-4270-PAM-JSM

Plaintiffs,

vs.

**STIPULATION FOR CONTINUANCE OF  
COURT'S DEADLINES**

MEDTRONIC, INC.; MEDTRONIC PUERTO  
RICO, INC. and MEDTRONIC PUERTO RICO  
OPERATIONS CO.,

Defendants.

Plaintiffs Harvey Lee Conway, Jr., John Paul Miller, and Charles Peterson, Jr., on behalf of themselves and all others similarly situated (hereinafter "Plaintiffs"), and defendants Medtronic, Inc., Medtronic Puerto Rico, Inc., and Medtronic Puerto Rico Operations Co. (hereinafter "Medtronic"), by and through their undersigned counsel, hereby stipulate as follows:

All scheduled hearings and all pending deadlines for filing of an answer and/or responsive pleadings and service of discovery or automatic disclosures under Rule 26 of the Federal Rules of Civil Procedure shall be stayed until after the Joint Panel on Multidistrict Litigation rules on the pending motions seeking to transfer to a single federal district court all of the cases that have been filed in federal courts nationwide against Medtronic that relate to the alleged implantation of Sprint Fidelis cardiac-defibrillator leads manufactured and sold by Medtronic.



Dated: November \_\_, 2007

Respectfully Submitted,

**BOWMAN AND BROOKE LLP**

By: s/ George W. Soule

George W. Soule (#103664)  
Melissa R. Stull (#387060)  
150 South Fifth Street, Suite 3000  
Minneapolis, MN 55402  
george.soule@bowmanandbrooke.com  
melissa.stull@bowmanandbrooke.com  
Tel: 612.339.8682  
Fax: 612.339.3200

and

Philip S. Beck  
Bartlit Beck Herman Palenchar & Scott LLP  
Courthouse Place  
54 West Hubbard Street, Suite 300  
Chicago, IL 60610  
philip.beck@bartlit-beck.com  
Tel: 312.494.4411  
Fax: 312.494.4440

**ATTORNEYS FOR DEFENDANTS**

Dated: November 5, 2007

Respectfully Submitted,

**LOCKRIDGE GRINDAL NAUEN P.L.L.P**

By: Robert K. Shelquist

Richard A. Lockridge (64117)  
Robert K. Shelquist (02130X)  
Yvonne M. Flaherty (267600)  
100 Washington Avenue South, Suite 2200  
Minneapolis, MN 55401-2197  
Tel: 612.339.6900  
Fax: 612.339.0981

**ATTORNEYS FOR PLAINTIFFS**

**EXHIBIT F**

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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF FLORIDA  
3 CASE NO. 07-22764-CV-PCH  
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5 JOHN NORTH,  
6 et al  
7 Plaintiffs  
8 vs.

9 MEDTRONIC, INC.  
10 MEDTRONIC PUERTO RICO, INC.  
11 MEDTRONIC PUERTO RICO OPERATIONS  
12 COMPANY,  
13 Defendants

14 - - -  
15 HEARING HELD 12-6-07  
16 BEFORE THE HONORABLE PAUL C. HUCK  
17 - - -

18  
19 APPEARANCES:  
20 FOR THE PLAINTIFFS:  
21 WENDY FLEISHMAN, ESQ.  
22 SARAH CLASBY, ESQ.  
23 HOWARD BUSHMAN, ESQ.  
24 SETH LESSER, ESQ.  
25

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1 FOR THE DEFENDANTS:  
2 DANIEL RING, ESQ.

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3 NANCY STEWIG, ESQ.

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5 REPORTED BY:

6 PATRICIA SANDERS, RPR

7 OFFICIAL COURT REPORTER

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1 THE COURT: Good morning. Please be seated. We're here in  
2 North versus Medtronic, Inc.

3 Counsel, may I have appearances, first for the plaintiffs'  
4 side.

5 MS. FLEISHMAN: Wendy Fleishman for the plaintiffs. I am  
6 here from New York. Thank you for allowing me to appear here today.

7 THE COURT: You didn't have to come all the way down for  
Page 2

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8 this, but it's nice to have you. I think I told everyone they could  
9 appear by phone.

10 MS. CLASBY: Sarah Clasby, Harke and Clasby, along with my  
11 partner Howard Bushman on behalf of plaintiff John North.

12 MR. RING: Daniel Ring, Mayer Brown, for Medtronic Inc.,  
13 Medtronic Puerto Rico Inc. And Medtronic Puerto Rico Operations  
14 Company.

15 MS. STEWIG: Nancy Stewig on behalf of Medtronic Inc and  
16 Medtronic Puerto Rico Operations Company.

17 THE COURT: I understand one person is going to join us by  
18 phone -- speak of the Devil. Who do I have on the line, please.

19 MR. LESSER: This is Seth Lesser, also for plaintiff.

20 THE COURT: Welcome again to those of you who traveled to  
21 be here. I initially had this scheduled as a telephonic hearing.  
22 I'm afraid this will be somewhat anticlimactic.

23 I did not expect to have much argument. Both sides have  
24 done a very fine job with regard to their memoranda. I did see that  
25 a reply brief was filed last night. It was handed to me a couple

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1 minutes ago. I have not had the opportunity to review it. I don't  
2 think it's of any significance. The bottomline is I am going to  
3 grant the motion to stay.

4 I think, frankly, it got me to look at the file a little  
5 more carefully. I did review the exhibits that have been filed. I  
6 think there's a chance this Court may be selected by the MDL Panel  
7 to ultimately have this case for trial. I am not campaigning for  
8 that obviously.

9 I did see somewhere that Mr. North had suggested the cases  
10 should all be transferred to the Southern District of Florida. I  
11 don't know what the position has been of some of the other

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12 plaintiffs.

13 I assume everyone wants to take their best shot at the  
14 place they think is the best Court for them. A couple things were  
15 interesting in reviewing the filings.

16 One of which is the plaintiff's notice of filing MDL  
17 pleadings. Specifically among the various documents that are  
18 attached to that, Exhibit One is the motion of plaintiff John North  
19 for joinder in the motion of Frederick Santitoro and Richard Kinney.

20 There are two things I thought were interesting. One of  
21 the statements made by Mr. North, as well as the other two  
22 plaintiffs, in seeking transfer are the ones I think argued  
23 persuasively that this case should be stayed.

24 They make the same argument the defendants make with regard  
25 to judicial economy, efficiency consistency and those sorts of

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1 things. My normal practice is to allow some time for the Panel to  
2 decide whether to cast this as a MDL matter and then to select a  
3 venue for it. I don't think a slight delay is going to make any real  
4 significant difference.

5 So it seems to me all parties -- both sides are in  
6 agreement, it makes sense to have one Court handle it, whatever  
7 Court that may be. I think we should wait until that determination  
8 is made.

9 There is one thing about the motion Mr. North filed that  
10 causes me some concern. I am assuming it's just an inadvertence.  
11 Page four of Exhibit Two, which is the memorandum of law in support  
12 of North's motion for joinder in the other plaintiffs' motion to  
13 transfer.

14 On page four North makes this representation. After talking  
15 about why this -- the Southern District of Florida is the most  
16 appropriate -- there are at least five actions currently pending in

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17 this district -- I think there are now six.

18 Before I got this memo I checked them out to see which one  
19 was the lowest number and to see the status of the cases before this  
20 issue even came up.

21 The statement that causes me some concern is the following:  
22 This is the second paragraph on page four. Moreover, through their  
23 supervision of the four actions now pending the Judges in the  
24 Southern District of Florida have already become familiar with the  
25 issues involved in this litigation and therefore are in a good

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1 position to supervise it in a just and -- to a just and expeditious  
2 conclusion and citing cases suggesting that this Court has kind of a  
3 head-start on the other and might be a better choice than someone  
4 that is further behind.

5 I don't think that's the case. I have looked at every  
6 docket in every case that was filed, at least as of two days ago,  
7 and there's no Judge in the Southern District of Florida that has  
8 done anything to familiarize themselves with the issues from what I  
9 can tell.

10 I certainly have not, other than to deal with the motion to  
11 stay and to look at the complaint. I think it would be appropriate  
12 to file an amended memorandum indicating that's not correct.

13 MS. FLEISHMAN: We will do that, Your Honor. Just to  
14 clarify, Judge Ungaro has issued a scheduling order. At the time  
15 this was written that scheduling order --

16 THE COURT: I have taken that into account. That is not, as  
17 far as I am concerned, familiarizing yourself with the issues.

18 MS. FLEISHMAN: We will correct the record.

19 THE COURT: I am familiar with what the Judges do here. I  
20 know some Judges have scheduling orders. I don't. I do know I move

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21 my cases probably along at least as promptly as other Judges.

22 And all I have done is dealt with the motion to stay. Some  
23 of the others have not even done that. There's nothing other than a  
24 pro forma order to set up a scheduling conference or some such  
25 thing.

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1 There's nothing to suggest that any Judge in this district  
2 has familiarized him or herself with the issues in this case. The  
3 only one that has done anything significant is the Judge in Puerto  
4 Rico, and he has decided he is going to wait to see what the Panel  
5 does.

6 MS. FLEISHMAN: Your Honor, Judge Ingleby issued an order of  
7 preservation and asked the parties -- so that it meets certain  
8 issues that Medtronic Inc has raised. Judge Ingleby has done that.

9 THE COURT: well he has done a little bit more than anyone  
10 else, particularly in this district.

11 MS. FLEISHMAN: Your Honor, I don't know if you are going  
12 to permit some argument --

13 THE COURT: I had not planned on it.

14 MS. FLEISHMAN: There are certain issues we would like the  
15 Court to address. Without a stay we can address them. One would be  
16 the order of preservation. If we get a unified order of  
17 preservation --

18 THE COURT: Let me stop you. No one has asked for that.

19 MS. FLEISHMAN: If the stay were not granted that would be  
20 something we would raise --

21 THE COURT: Let me tell you, a stay is going to be granted.  
22 This is no different than the other MDL cases I have dealt with. I  
23 will let the Panel determine if it's appropriately MDL and see where  
24 it can best be handled. They usually do it in a pretty prompt  
25 manner.



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1 I don't see any reason to treat this case any differently  
2 than any other. If it comes back here so be it. If it is going to  
3 Puerto Rico, California that will be that Panel's decision. I don't  
4 think there's anything else I need to hear at this time.

5 MS. FLEISHMAN: Those were just the issues we wanted to  
6 address. We wanted to do some immediate discovery on the injunctive  
7 relief issue. That was the other issue we wanted to raise by way of  
8 oral argument.

9 THE COURT: I may not have the case. Odds are I won't have  
10 the case. There are so many cases out there. If you go by sheer  
11 numbers someone else may have it.

12 I don't think anyone is going to go out and change the  
13 landscape of discovery and the documents between now and whenever  
14 the Panel has selected whatever Court to handle all these cases. I  
15 think it's pretty clear -- obviously I can't speak for the Panel. I  
16 am fairly confident they will find this to be appropriate for MDL  
17 category.

18 MS. FLEISHMAN: No doubt this will be.

19 THE COURT: If I eventually have this case I am sure you  
20 probably know -- Mr. Clasby has told you I am sure that I move my  
21 cases sufficiently so that you will not be languishing -- assuming  
22 the parties do their job. I will certainly do mine.

23 It's interesting part of the support for the Southern  
24 District was our case load profile. I don't look at this until the  
25 lawyers bring it to my attention.

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1 I think it's kind of interesting that the Southern District  
2 of Florida seems to have a pretty good record in disposition of

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3 cases both civil and criminal. I am glad to see that.

4 I see we're only number seven. So I guess there are six in  
5 the civil arena that do a little better than we do. So I guess this  
6 goes under the category of no good deed goes unpunished.

7 All right. Is there anything else?

8 MS. FLEISHMAN: No, Your Honor.

9 THE COURT: That's why I had this scheduled for telephonic  
10 conference. I appreciate you coming down. It really was not  
11 necessary for you to come down. Maybe we will see you again. Gives  
12 me the opportunity to put faces with names. Have a good trip back.

13 HEARING CONCLUDED  
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1 C E R T I F I C A T E  
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4 I hereby certify that the foregoing is an accurate  
5 transcription of proceedings in the above-entitled matter.  
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10 DATE FILED

PATRICIA SANDERS, RPR

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